



Operational challenges in the U.S. education industry have never been greater. Educational institutions must navigate an increasingly complex regulatory landscape while managing political sensitivities and protest movements nationwide. In this environment, the number and scope of matters necessitating careful internal review and investigation – and which trigger government investigations – has increased commensurately. These matters often have overlapping purposes and needs, can raise complex privilege, confidentiality and disclosure obligations, and must be handled with sensitivity and focus on the unique missions and constituencies of educational institutions. For years, Duane Morris has leveraged its skilled and multidisciplinary teams to counsel and guide educational institutions in conducting internal investigations, policy audits and reviews, and in responding to federal and state governmental investigations. Our experience in matters involving a wide range of issues, including Title VI and Title IX discrimination claims, the False Claims Act and allegations of misconduct involving students, athletes, staff, faculty or administrators and other investigations related to civil and criminal claims of wrongdoing allows us to provide thoughtful and holistic advice to clients on their most sensitive matters.

At every stage of an investigation, Duane Morris attorneys work closely with our clients and our deep bench of seasoned litigators to address and resolve the issues in a manner that frees our clients to focus on their educational mission.

## RANGE OF SERVICES

Our services include representing schools and universities with:

- ▶ Government investigations involving, among others, the Department of Education's Office of Civil Rights, Office of Federal Student Aid and Office of Inspector General; Consumer Financial Protection Bureau; Federal Trade Commission; and state attorneys and inspectors general and state regulatory agencies and authorizers
- ▶ Civil, criminal and administrative investigations (and related proceedings) undertaken by the United States Department of Justice and sponsoring agencies (including DOD, NSF, NASA and NIH), including in False Claims Act matters
- ▶ Internal investigations in a range of matters, including potential and known whistleblowers, disclosure obligations, conflicts of interest or ethics violations, and misconduct and/or illegal conduct by members of school communities
- ▶ Congressional investigations and hearings, including response to requests for information, witness preparation, and communications and government relations support
- ▶ Discrimination claims and investigations involving gender, sexual orientation, shared ancestry, race, national origin, ability and age
- ▶ Claims involving sexual harassment, retaliation, bullying, cyberbullying and discipline
- ▶ Crisis management, policy audits and reviews, and government relations
- ▶ Municipal challenges to tax-exemption status
- ▶ Government contracting compliance

## HIGHER & POST-SECONDARY EDUCATION INVESTIGATIONS

### *Government Investigations, Inquiries and Responses*

- ▶ Represented a large public research university in federal and state criminal and administrative investigations and proceedings – and coordination of related civil proceedings – arising from allegations and prosecutions against a former coach and senior administrators.
- ▶ Represented a research university and conducted an investigation in connection with criminal, civil and administrative matters associated with foreign affiliation and related NASA disclosure obligations.
- ▶ Represented faculty and conducted an investigation relating to NSF conflict of interest disclosures.
- ▶ Conducted an investigation for a research university in connection with criminal, civil and administrative matters relating to industry-university partnerships.
- ▶ Represented a research university and conducted an investigation in connection with civil and administrative investigations relating to SBIR and STTR research funding.
- ▶ Represented a research university and conducted an internal investigation in connection with inquiries by multiple government agencies into research accounting and compliance matters in NASA, DOD and NIH sponsored research, and resolved False Claims Act and administrative proceedings issues.
- ▶ Represented universities in response to a U.S. Department of Education Federal Student Aid Investigative Unit inquiry.
- ▶ Lead counsel on the defense team for a major university in a case alleging gender discrimination in Division I football program that, after jury trial, resulted in \$1 actual damage verdict for plaintiff and on appeal established for the first time as a matter of law that punitive damages are not an available remedy under Title IX.

**Chambers**  
AND PARTNERS

Ranked Among National Leaders  
in Higher Education Law



Ranked a Leading  
Law Firm In Education

- ▶ Assisting Title IV participating institutions of higher education in their response to program reviews and audits. Working to limit the scope, liabilities and fines associated with such reviews, including Clery Act reviews, related to federal student financial aid programs by way of administrative appeals and settlement negotiations.
- ▶ Experience assisting institutions of higher education in responding to state education agency and state attorney general requests for information and formal investigations, and negotiating settlements our clients find favorable.
- ▶ Defended a California private postsecondary school in an investigation by the Department of Fair Employment and Housing (DFEH) of an instructor's claim of sexual harassment and retaliation. Counseled client through the process of terminating the manager who engaged in the alleged harassing conduct and convinced the DFEH to make a finding of no actionable harassment or retaliation.
- ▶ Represented a large Ohio cosmetology school in an investigation by the U.S. Department of Labor concerning the exempt status of its instructors.
- ▶ Represented the University of California in U.S. Department of Education, Office of Civil Rights, investigations regarding claims of inaccessibility to people with disabilities, claims of religious discrimination and lack of public accommodations and claims of stadium inaccessibility to people with disabilities.

#### Misconduct Investigations

- ▶ Advised a small private college in connection with discipline involving the alleged criminal conduct of students.
- ▶ Conducted an investigation on behalf of a private university in connection with allegations by a former student-athlete.
- ▶ Represented a university in an investigation into allegations against an athletic trainer accused of giving players prescription drugs and performing procedures requiring special certification or a medical license.
- ▶ Conducted an internal investigation and represented for-profit college in connection with allegations of misconduct by admissions personnel.

#### Policy Audits and Reviews

- ▶ Providing tailored counsel to universities and colleges on campus sexual misconduct policies and procedures under Title IX and the Clery Act, including religious exemption issues.
- ▶ Advise higher education institutions regarding compliance with Title IV incentive compensation ban, bundled service arrangements and lead generation agreements, investigation and defense of institutional policies and procedures.
- ▶ Assist institutions with defining and managing risk under service contracts with service providers, including third-party service providers as defined by Title IV regulations.

#### K-12 Investigations

- ▶ Represented a multistate charter school network in a U.S. Department of Education Title IX investigation and brokered a resolution agreement.
- ▶ Represented a multistate charter school network in an investigation by an authorizer's Office of Inspector General into PPP loans.
- ▶ Represented a top-ranked high school basketball program and coaching staff in an investigation by the local Office of Inspector General and state high school athletic association.
- ▶ Conduct policy audits and reviews for K-12 public charter and private schools relating to IDEA, Title IX, Title VI, FERPA, privacy and student record keeping compliance.
- ▶ Represented a Philadelphia charter school in state and federal investigations into alleged self-dealing by its founder and former CEO, and assisted the school in navigating structural and leadership changes permitting its continued operation and success.
- ▶ Conducted internal investigations on behalf of K-12 private schools arising from faculty and student misconduct allegations and alumni claims of discrimination and harassment.

#### About the Duane Morris Education Team

Duane Morris has represented numerous public, private, nonprofit and proprietary schools, colleges and universities, accreditation agencies and other groups and businesses dedicated to education. Our lawyers understand the unique needs of academic institutions and can provide efficient and cost-effective legal counsel. In the higher education sector, clients benefit from our years of experience and relationships with the myriad federal and state regulators and accreditors that oversee their activities. As the needs of educational institutions are diverse, Duane Morris lawyers from different disciplines work together to represent clients and advance their interests.

#### OFFICE LOCATIONS & REACH



##### UNITED STATES

Atlanta      Los Angeles  
 Austin      Miami  
 Baltimore    New York  
 Boca Raton   North Jersey  
 Boston      Philadelphia  
 Cherry Hill   Pittsburgh  
 Chicago      San Diego  
 Dallas      San Francisco  
 Fort Worth   Silicon Valley  
 Houston      Washington, D.C.  
 Las Vegas    Wilmington

##### INTERNATIONAL

Hanoi              Myanmar  
 Ho Chi Minh City   Shanghai  
 London            Singapore

- > Also satellite offices, including Bangor and Portland, Maine; and Seattle, Washington
- > Alliances in Mexico
- > Leadership position with international network of independent law firms

#### FOR MORE INFORMATION, PLEASE CONTACT:

**KATHERINE D. BRODIE, Partner**  
 202.776.5241 | kdbrodie@duanemorris.com

**LISA T. SCRUGGS, Partner**  
 312.499.6742 | ltscruggs@duanemorris.com

**DANIEL R. WALWORTH, Partner**  
 215.979.1194 | dwalworth@duanemorris.com

This publication is for general information and does not include full legal analysis of the matters presented. It should not be construed or relied upon as legal advice or legal opinion on any specific facts or circumstances. The invitation to contact the attorneys in our firm is not a solicitation to provide professional services and should not be construed as a statement as to any availability to perform legal services in any jurisdiction in which such attorney is not permitted to practice.